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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PICH, PONNOREAY

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,298

Applicant(s)

ENGLAND ET AL.

Examiner

Ponnoreay Pich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-10, 13-15, 17, 19-22, 24-27, 30-32 and 34 is/are pending in the application.
- 4a) ~~Of the above claim(s) 1, 6, 11, 12, 16, 18, 23, 28, 29 and 33 is/are withdrawn from consideration.~~ *cancelled*
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-10, 13-15, 17, 19-22, 24-27, 30-32 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 2-5, 7-10, 13-15, 17, 19-22, 24-27, 30-32, and 34 are pending. Claims 1, 6, 11-12, 16, 18, 23, 28-29, and 33 have been cancelled.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The previous office action is incorporated by reference in its entirety.

#### ***Response to Amendment***

The examiner notes the amendments to the claims made by the applicant. New rejections of any new issues raised by these amendments will be made as necessary.

#### ***Response to Arguments***

Applicant's arguments filed 5/27/2005 have been fully considered but they are not persuasive. Further, these arguments are directed toward claims whose scope has changed due to applicant's amendments. The examiner notes that the applicant cancelled claims 1, 6, 11-12, 16, 18, 23, 28-29, and 33 without arguments and as such the examiner assumes that applicant agrees that the rejections of the limitations that were recited in those claims were valid. The examiner further notes that the limitations that were found in claims 6, 12, and 16 were incorporated into claim 2 and 19.

The examiner notes that in response to the examiner pointing out instance where trademarks were used in the specification, applicant stated that applicant was not aware that the use of such trademarks is improper or without accompanying generic terminology. The examiner would like to direct applicant to MPEP 608.01(v). Further, the examiner would like to point out that the examiner only noted the use of trademarks

in the specification and never objected to their usage (see office action summary for PTOL-326 with the non-final office action).

For claims 2 and 19, applicant argues that the combination of references used by the examiner does not meet the limitations of the claims as recited currently. The examiner notes that the limitations as recite currently for claim 2 are merely a combination of claim 2 as presented previously and the limitations from cancelled claims 6, 12, and 16. Claim 19 as currently recited is merely the combination of claim 19 as previously presented and the limitations from claims 6, 12, and 16. The examiner submits that applicant's argument fails to address how the combination of references used by the examiner fails to meet the limitation of the claims as recited. In fact, in the previous office action, the examiner had disclosed how the combination of references that were used meets all the limitations which are now found in claims 2 and 19. Merely moving these limitations from cancelled dependent claims into the independent claim does not make the limitations any more patentable over the prior art used before and as applicant did not argue the validity of the examiner's previous office action rejections, the examiner assumes that the applicant agrees with the rejection of those limitations using the combination of references that the examiner used.

The examiner notes that no argument was presented by the applicant regarding any statement made by the examiner about well-known prior arts. As such, the examiner assumes applicant agrees with all the well-known prior art statements the examiner made in the last office action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 7, 13-15, 19-21, 24, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as SDMI Spec in view of Van Dyke (US 6,321,314) and further in view of Shear et al (US 6,157,721).

**Claim 2:**

SDMI discloses a computing device including a digital rights management (DRM) system, i.e. LCM (Licensed Compliant Module), thereon for allowing rendering of protected digital content on the computing device (p6, sections 3.1, 3.2, and 3.5), the content including video content to be displayed on a monitor coupled to the computing device (p6, section 3.6).

SDMI does not explicitly disclose the computing device also including a video section therein for receiving the content and for producing a video signal to be sent to the monitor based on the received content, the video section including video memory for storing the received content. However, a SDMI computing device which renders video content must include a video section therein for receiving the content and for producing a video signal to be sent to the monitor based on the received content as SDMI discloses that video and graphics are types of contents that could be rendered by SDMI

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devices (p6, section 3.6). If the SDMI compliant device which renders video content did not meet this limitation, then there would be no point in having it capable of rendering video content as the content is usually rendered as a video signal to be viewed on some type of monitor. Also, SDMI compliant devices must have the video section include video memory for storing the received content, as memory would be needed to perform the rendering algorithm.

SDMI also does not explicitly disclose the video memory being configured to be write-only except with regard to the video section. However, restricting access to memory so that only certain computing components or applications have exclusive read or write or exclusive read and write access is well known in the art at the time the applicant's invention was made. Van Dyke also discloses that memory can be configured so that access to it is restricted (col 2, lines 37-38).

SDMI discloses the rights-protected digital content allowed to be rendered by the DRM system (p12, section 4.4, last sentence). SDMI does not explicitly disclose the video memory is configured to be write-only with regard to the rights-protected digital content allowed to be rendered by the DRM system.

However, it was well known in the art and disclosed by Van Dyke that memory can be configured to restrict access to it in certain manners (col 2, lines 37-38). By restricting access to the memory, one is also restricting access to any content that is stored in the memory.

SDMI and Van Dyke do not disclose the video section further includes an authentication device for authenticating to the DRM system that the video memory is

configured to be write-only except with regard to the video section. However, Shear disclosed a verifying authority which analyzes a module to make sure it performs a specified function (col 9, lines 41-47). This authority creates a digital signature/token to authenticate that a module does what it is supposed to do (col 9, lines 51-54).

SMDI and Van Dyke do not disclose wherein the authentication device comprises a token as obtained from an authentication entity that is to be presented to the DRM system, whereby a manufacture who wishes to manufacture the video section must obtain the token from the authentication entity and as a condition thereof must agree to provide the video section with the video memory configured to be write-only except with regards to the video section. However, Shear discloses the authentication device comprises a token (i.e. digital signature) as obtained from an authentication entity (col 9, lines 41-55). Note that the token being digital in nature is in a form that can be presented to the DRM system disclosed by SDMI.

In light of the above teachings by SDMI, Van Dyke, and Shear, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have incorporated Van Dyke and Shear's teachings with SDMI according to the limitations currently recited in claim 2. One of ordinary skill would have been motivated to incorporate Van Dyke's teachings as it would allow for content providers to have better control over their digital content including the legal distribution of their digital content, which was a goal disclosed by SDMI (p30, section 10.1.1.1 and 10.1.3). One of ordinary skill would have been motivated to incorporate Shear's teachings as it would

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provide content providers better assurance that the device rendering their content in fact is as secure as it is supposed to be.

The examiner notes that the all of the limitations as currently recited in claim 2 were rejected in the previous office action using the passages cited above from SDMI, Van Dyke, and Shear. The motivations given for incorporating Van Dyke and Shear's teachings with SDMI were also given in the last office action. As applicant did not argue any of these limitation rejections or motivations, the examiner assumes that applicant agrees the rejections and motivations were valid and continue to be valid.

**Claim 19:**

Claim 19 is substantially similar to claim 2 except it refers to the video section on the computing device of claim 2. The same arguments used to reject claim 2 also applies to claim 19.

**Claims 3 and 20:**

SDMI does not explicitly disclose the video section is/comprises a video card. However, the video section must be/comprises a video card or there would be no way to render digital video content in a manner that can be displayed on a monitor. Thus the limitation recited in claims 3 and 20 is obvious to the combination of SDMI, Van Dyke, and Shear.

**Claims 4 and 21:**

SDMI does not explicitly disclose any entity external to the video section cannot read the received content stored in the video memory. However, as mentioned previously, restricting access to memory so that only certain computing components or



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applications have exclusive read or write or exclusive read and write access is well known in the art at the time the applicant's invention was made. Van Dyke also discloses that memory can be configured so that access to it is restricted (col 2, lines 37-38).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to further modify a SDMI's computing device and video section according to the limitations recited in claims 4 and 21. Thus the limitation recited in claims 4 and 21 is obvious to the combination of SDMI, Van Dyke, and Shear.

**Claims 7 and 24:**

SDMI does not explicitly disclose the content is accompanied by a signal to the video section to implement the write-only configuration for the content. However, the only way for the content to get to the video section to be rendered is for it to be accompanied by a signal to the video section.

Claims 7 and 24 depends on claims 2 and 19 respectively; the examiner has already addressed the issue of how and why it would have been obvious for one of ordinary skill in the art at the time the applicant's invention was made to modify the memory in the video section so that it was write-only to anything except the video section. For this reason, when the content gets to the video section and is written to memory, the configuration for the content must be write-only. Thus the limitation recited in claims 4 and 21 is obvious to the combination of SDMI, Van Dyke, and Shear.

**Claims 13 and 30:**

SDMI does not explicitly disclose the limitation recited in claims 13 and 30. However, it is common knowledge and disclosed by SDMI that contents and devices which are protected as intellectual property controlled by a controlling entity exists at the time the applicant's invention was made (p6-7, section 3.71). It is also further known and disclosed by SDMI that to legally use the legally protected contents and devices that a license must be obtained from the controlling entity and that the user must adhere to the terms of the license (p6, section 3.1 and 3.7.1 and p23, section 7.1). (Note that these facts were also disclosed by the applicant in the applicant's specification in the "Background of the Invention").

Further, Shear disclosed the authentication device is a feature legally protected as intellectual property controlled by a controlling entity (claim 5). Note that the authentication device is a claimed feature (i.e. intellectual property) of the patent in which Shear is an inventor and the features recited in this patent is owned by the entity InterTrust Technologies Corp. The video section with video memory configured to be write-only except with regard to the video section is a limitation previously addressed in claims 2 and 19.

It would have been obvious for one of ordinary skill in the art at the time the applicant's invention was made to further modify SDMI, Van Dyke, and Shear's combination system according to the limitations recited in claims 13 and 30. One of ordinary skills would have been motivated to do so as it would allow the owner of the authentication device (or any other device) to control who gets to manufacture the intellectual property they own and under what terms.

**Claims 14 and 31:**

SDMI discloses legally protected content is in a form that may be presented to the DRM system (p6, section 3.6). Digital data can be presented to the LCM (i.e. DRM) is also disclosed by SDMI (p6, section 3.6). SDMI does not explicitly disclose the legally protected feature is in a form that may be presented to the DRM system. However, Shear discloses that his authentication device claimed by him as a legally protected feature include a digital "seal of approval", i.e. certificates, tokens, or signatures (col 9, lines 51-55 and claim 5). Thus the limitation recited in claims 14 and 31 is obvious to the combination of SDMI, Van Dyke, and Shear.

**Claims 15 and 32:**

SDMI discloses a DRM system (p6, section 3.). SDMI and Van Dyke do not disclose the legally protected feature is in a form that may present a token to the DRM system. However, Shear discloses that his authentication device claimed by him as a legally protected feature include a digital "seal of approval," which the examiner asserts to be a token. As it is digital data, it can be presented to the DRM system. Thus the limitation recited in claims 15 and 32 is obvious to the combination of SDMI, Van Dyke, and Shear.

Claims 5, 8-9, 22, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter

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referred to as SDMI Spec in view of Van Dyke (US 6,321,314) and Shear et al (US 6,157,721) and further in view of Oka (US 6,028,596).

**Claims 5 and 22:**

SDMI does not disclose the video memory is video RAM. However, Oka discloses that video memory is video RAM was known at the time the applicant's invention was made (col 1, lines 14-17). It would have been obvious for one of ordinary skill to have video memory as video RAM as it would allow for faster rendering of video frames.

**Claims 8 and 25:**

SDMI does not disclose the write-only configuration is implement in the video memory by creating at least one write-only buffer in such video memory. However, the use of buffers in video memory to increase frame rates was well known in the art at the time the applicant's invention was made. Further, Oka discloses the use of buffers in video memory (col 6, lines 60-62 and Figure 5). The write-only limitation of the video memory has already been addressed in previous claims. It would have been obvious for one of ordinary skill in the art at the time the applicant's invention was made to further modify the combination invention of SDMI, Van Dyke, and Shear according to the limitations recited in claims 8 and 25 in light of Oka's teachings. One of ordinary skill would have been motivated to do so as it would have allowed for frames to be displayed at a higher rate which would produce better quality video outputs.

**Claims 9 and 26:**

SDMI does not disclose each write-only buffer is a bitmapped secondary video surface to be displayed over a primary surface. However, Oka discloses the video memory using a buffer (col 6, lines 60-62 and Figure 5). Oka also discloses video memory being bit-mapped VRAM in which images are first written to a secondary video surface before being displayed over a primary surface (col 6, lines 63-67; col 7, lines 5-14; and Figure 5). Thus the limitation recited in claims 9 and 26 is obvious to the combination of SDMI, Van Dyke, Shear, and Oka.

Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as SDMI Spec in view of Van Dyke (US 6,321,314), Shear et al (US 6,157,721), and Oka (US 6,028,596) and further in view of Bertin et al (US 5,604,755).

**Claims 10 and 27:**

SDMI does not explicitly disclose the video section clears each write-only buffer upon freeing same. However, power cycling a computing device was well known at the time the applicant's invention was made. Bertin further discloses that it was known at the time the applicant's invention was made that memory can occasionally get errors and that power cycling was a way to correct some errors (col 1, lines 24-27 and 46-49). When a system is power cycled, memory (and memory buffer) must be freed and cleared.

It would have been obvious to one of ordinary skill at the time the applicant's invention was made to further modify the combination invention of SDMI, Van Dyke, Shear, and Oka according to the limitation recited in claims 10 and 27. One of ordinary skills would have done so as it would allow for errors in memory to be corrected as disclosed by Bertin (col 1, lines 24-27 and 46-49).

Claims 17 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as SDMI Spec in view of Van Dyke (US 6,321,314) and Shear et al (US 6,157,721) and further in view of Hsu et al (US 5,982,898).

**Claims 17 and 34:**

SDMI does not explicitly disclose the limitations recited in claims 17 and 34. However, Shear discloses the presented token is a certificate (col 9, lines 51-55 and claim 5, item c). Further, Hsu discloses that it was known at the time the applicant's invention was made that a certificate, as an authentication device, is revocable by an authentication entity (col 15-26). Hsu also discloses a certificate list that is regularly updated (col 3, lines 50-53). Note that though the list Hsu discloses is a list of revoked certificate, because Hsu discloses the concept of a certificate list, it would be just as obvious to keep track of a list of valid certificates. Hsu also discloses the certificate authority deciding whether or not to issue a valid certificate to an entity based on whether that entity belongs in a certain subject class (col 4, lines 30-34). The examiner

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asserts that the subject class could be manufacturers who satisfactorily follow certain agreements as specified by another entity who owns the rights to the product to be manufactured.

Therefore, in light of the teachings of Shear and Hsu, it would have been obvious to one of ordinary skill to further modify the combination system of SDMI, Van Dyke, and Shear according to the limitation recited in claims 17 and 34. One of ordinary skills would have been motivated to do so as it would allow content owners more assurance that the system being used to render their contents would not be able to be used to bypass any usage rules they may have associated with their digital contents.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

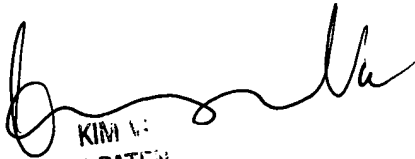
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 8:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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